



March 27, 2008

To:
Standardization Section, Fresh Products Branch
Fruit and Vegetable Programs
Agricultural Marketing Service
U.S. Department of Agriculture
1400 Independence Avenue, SW., Room 1661
South Building, Stop 0240
Washington, DC 20250-0240

Sent Via Fax: (202) 720-8871

Re: U.S. Standards for Grades of Table Grapes (European or Vinifera Type)
Docket # AMS-FV-07-0140 (Federal Register, Vol. 73, No. 38, February 26, 2008, pages 10185-10187)

Dear Sir or Madam:

The Food Marketing Institute (FMI) appreciates the opportunity to comment on the Agriculture Marketing Service's rulemaking on United States Standards for Grades of Table Grapes (European or Vinifera Type). Pursuant to the agency's request for comments on the proposal to add an additional five percent allowance for shattered berries in consumer containers, FMI is writing to oppose any increase to the already adequate voluntary shatter allowance permitted under the Agricultural Marketing Act of 1946.

FMI conducts programs in research, education, industry relations and public affairs on behalf of its 1,500 member companies - food retailers and wholesalers - in the United States and around the world. FMI's U.S. members operate approximately 26,000 retail food stores with a combined annual sales volume of \$340 billion - three-quarters of all retail food store sales in the United States. FMI's retail membership is composed of large multi-store chains, regional firms and independent supermarkets. Its international membership includes 200 companies from 50 countries.

FMI's members strive to make the safest and highest-quality products available to the public. However, AMS's proposal makes these efforts more difficult by randomly lowering an effective

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Agricultural Marketing Service
March 27, 2008
Page 2

standard that reflects consumer concerns about the freshness of the grapes they buy. The proposed 5 percent shatter allowance, when combined with the existing 12 percent tolerance for total defects and an additional 3 percent in situations involving good delivery standards, simply provides for too many loose grapes being offered at retail.

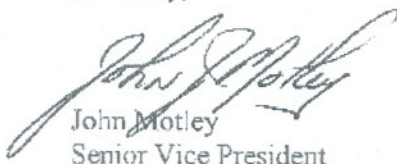
In certain cases, the proposal also raises the tolerance not just for shatter in grapes, but for additional defects like discoloration and scarring. The end result is a potential degradation of the US Number 1 Grade and a decline in the overall quality of the product our members are able to offer consumers.

The proposed rule fails to take into consideration recent research conducted by Deibel Laboratories on behalf of the North American Perishable Agricultural Receivers (NAPAR) that found higher bacteriological levels in shatter grapes than in refrigerated bunch grapes. Higher bacteria levels ultimately mean lower quality and a shorter shelf-life. At the very least, Deibel's findings make clear that additional research and thought are needed before moving ahead with the increased shatter allowance.

It is clear increasing the grape shatter allowance by five percent will weaken the Grade 1 standard that retailers and consumers depend on as signifier of quality table grapes. I would urge AMS to reconsider this proposal and maintain the current allowance of 12 percent.

Thank you for your consideration in this matter.

Sincerely,



John Motley
Senior Vice President